

Assembly Bill No. 1255

CHAPTER 281

An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, Tom Berryhill. Agricultural seed: county seed enforcement subventions.

Existing law, the California Seed Law, provides that the Secretary of Food and Agriculture may pay counties, from moneys received by the secretary, as specified, an annual subvention for costs incurred in the enforcement of provisions of law relating to seed identification and quality. Existing law provides, pursuant to those provisions, that the subvention to counties be annually apportioned, as provided, according to whether the county has registered seed labelers. Existing law provides that agricultural commissioners of counties that choose to participate in the subvention program shall maintain a statewide compliance level on all seed within the county. Existing law provides that the secretary may withhold a portion of the funds designated to a county if that county fails to meet specified performance standards. Existing law provides that these provisions are operative until specified dates, but are all repealed on January 1, 2010.

This bill would extend the operation of these provisions, as specified, and would repeal them on January 1, 2015.

Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department of Food and Agriculture to carry out these provisions.

By extending the operation of these subvention provisions, this bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 52323 of the Food and Agricultural Code is amended to read:

52323. The department's cost of carrying out this chapter shall be funded from money that is received by the secretary pursuant to this chapter. The secretary shall also pay annually, in arrears, one hundred twenty thousand dollars (\$120,000), to counties as an annual subvention for costs incurred

in the enforcement of this chapter. The department's costs of administering this chapter shall be paid before allocating funds to the counties under this section.

This section shall become inoperative on July 1, 2014, and as of January 1, 2015, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 52324 of the Food and Agricultural Code is amended to read:

52324. The subvention program under Section 52323 is an optional program available to counties. The subvention to counties under Section 52323 shall be annually apportioned as follows:

(a) At the discretion of the secretary and upon recommendation of the Seed Advisory Board, counties with no registered seed labelers may annually receive one hundred dollars (\$100).

(b) Counties with registered seed labeler operations shall receive subventions based upon units of enforcement activity generated by the registered seed labeler operations within the county and upon the performance of enforcement activities necessary to carry out this chapter. The units of activity shall be determined by the secretary, taking into consideration the number of lots and kinds of seed labeled by each registered seed labeler operation within the county. The rate per unit of activity shall be established by dividing the total statewide units of activity into the annual funds available to the counties under Section 52323 after deducting the amount required for subventions in subdivision (a). Apportionment to individual counties shall be based upon the county's total units of activity performed times the established rate.

This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 3. Section 52325 of the Food and Agricultural Code is amended to read:

52325. (a) Commissioners of counties that choose to participate in the subvention program shall enter into a cooperative agreement with the secretary, whereby the commissioner agrees to maintain a statewide compliance level, determined by the secretary, on all seed within the county. The cooperative agreement shall be in effect for a five-year period. The units of activity and apportionment calculated under subdivision (b) of Section 52324 to each individual participating county shall be established annually in a memorandum of understanding between the commissioner and the secretary.

(b) The secretary, upon recommendation of the board or upon the secretary's own initiative, may withhold a portion of the funds designated to a county pursuant to subdivision (b) of Section 52324 if that county fails to meet the performance standards established by the secretary and set forth in the cooperative agreement with that county.

(c) The secretary shall provide a written justification to the board for any action taken by the secretary that does not fully implement a recommendation made by the board pursuant to subdivision (b).

(d) This section shall become inoperative on July 1, 2014, and as of January 1, 2015, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

O